(4)(4)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH

AT BILASPUR

Single Bench

M.A.NO. 138 /2006

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT, 1988 FOR QUASHING THE AWARD DATED 12.05.2006

APPELLANT / NON-APPLICANT — Purshottam Lal, son of Shri Janak Ram Sahu, aged about 25 years, occupation – vehicle owner, resident of village Banipathar, P.S. and Tah. Kharsiya, District Raigarh (C.G.)

VERSUS

RESPONDENT / CLAIMANT — Parmeshwar Prasad, son of Shri Santram Dansena, aged about 40 years, occupation Government service (Gram Sahayak) resident of village Limgaon, Block Malkharoda, District Janjgir-Champa, at present resided at Madanpur, Kharsiya, District Raigarh (C.G.)

P.R. No. 2533 dated 21/9/06 Presented by Shri Jaiman Bhagat

i. Amount awarded by the Tribunal - Rs. 18,583/-

ii. Court fee affixed at Rs. - 15/-

Being aggrieved by the impugned award dated 12.5.2006, passed by Shri M.D. Jagdalla,

XI-HC-78

(20)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक MA/138 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	14.09.2006 Shri Amit Sharma, learned counsel for the appellant. Heard on M.C.P. NO. 1569/06, application for condonation of delay in filing the appeal. Learned counsel for the appellant seeks to withdraw this application as the same has wrongly been filed and the appeal has been preferred well within time. Accordingly, the above application is dismissed as withdrawn. Heard on admission. The appellant has preferred this appeal under Section 173 of Motor Vehicle Act against the impugned award dated 12.05.2006 passed by 3rd Additional Motor Accident Claims Tribunal in Claim Case No. 17/06 and by which a sum of Rs. 18,583/- has been awarded in favour of the claimants for the injuries sustained by them. Learned counsel for the appellant submits that the learned Tribunal has ignored the fact that vendor of the vehicle was a necessary party for adjudication of the appeal as the vehicle was sold on the same date when the accident took place and it was only temporarily registered in the name of the appellant and not permanently with the registering authorities as no permanent registration number was allotted to the appellant. He further submits that in statement on oath, the injured has stated that the incident occurred at 6.45 p.m. but from perusal of medical examination report it is evident that he was examined at 6.30 p.m. However, he does not dispute	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

मामला क्रमांक M.A./138..... **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	that a report was lodged in the police station against the driver of the vehicle and the vehicle in question was seized in connection with the said accident. Since the vehicle was temporarily registered in the name of the appellant on the date of accident, it has rightly been held that the vendor of the vehicle was not a necessary party. So far as the difference in timing between the incident and the hospitalization of the injured is concerned, the same being a very narrow time gap is not significant and on the basis of above discrepancy the respondent's claim could not have been rejected. In the result, the appeal being devoid of substance is hereby dismissed at the motion stage itself. Consequently, M.C.P.No. 1568/06 and I.A.No. 2887/06 stand disposed of. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.